

# Village of Sister Bay Code of Ordinances

## Utilities Code

### Chapter 62

### of the

### Municipal Code

### of the

### Village of

### Sister Bay, Wisconsin

#### **Amended:**

May 4, 2005

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July 14, 2009

December 14, 2010

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# Village of Sister Bay Utilities Code

## Chapter 62

### Utility Code

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# Village of Sister Bay Utility Code

## Section 62.1 General Intent.

## Section 62.6 Sewer and Water User Rules and Regulations.

### Section 62.1 General Intent.

The general intent of this chapter is to establish rules for the village sewer system, water system, and the operation of private wells.

### Section 62.2-4 Reserved.

### Section 62.5 Sewer and Water System Requirements; Management Operation and Control.

(a) Generally. The management operation and control of the sewer and water systems of the village are vested in the Village Board. All records, minutes, financial records and all written proceedings of the Village Board shall be kept by the administrator. The sewer and water systems are further regulated by the state department of natural resources. The water system is a separate utility established according to the state public service commission and is by that subject to the rules and established rate file of the commission. A copy of the current rate file is available at the administrator's office and the Sewer and Water Utility Office. Besides the rules established by this chapter, all applicable county, state and federal rules shall be followed as they pertain to the sewer and water systems.

(b) Construction. The board has the power to construct sewer and water lines for public use and has the power to lay sewer and water pipes in and through the alleys, streets and public grounds of the village; and generally, to do all such work as may be found necessary or convenient in the management of the sewer and water systems. The board has power by itself, its officers, agents and servants to enter upon any land for making examination or supervise in the performance of its duties under this chapter without liability therefore; and the board has power to purchase and acquire for the village all real and personal property that may be necessary for construction of the sewer and water systems or for any repair, remodeling or additions thereto.

(c) Maintenance of services. The owner shall maintain sewer and water services from the street main to the house including all controls between the street main and the house, without expense to the village, unless they are damaged by the village. All claims for damage by the village must be made by the owner to the village according to applicable law. All sewer and water services must be maintained free of defective conditions by and at the expense of the owner or occupant of the property. When any sewer and water services are to be re-laid and there are two or more buildings on such service, each building shall be disconnected from such service and new sewer and water services shall be installed for each building.

(d) Condemnation of real estate. Whenever any real estate or any easement therein, or use of it, shall in the judgment of the board be necessary to the sewer and water systems, and whenever, for any cause, an agreement for the purchase of it cannot be made with the owner, the board may proceed with all necessary steps to take such real estate, easement or use, by condemnation according to statute and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal Funds are used.

(e) Title to real estate and personalty. All property, real, personal and mixed, acquired for the construction of the sewer and water systems, and all plans, specifications, diagrams, papers, books and records connected with such sewer system, and all buildings, machinery and fixtures pertaining thereto, shall be the property of the village.

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## Section 62.6 Sewer and Water User Rules and Regulations.

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### Section 62.6 Sewer and Water User Rules and Regulations.

(Sections 62.6(a)-(d) amended Ordinance No. 152-060909)

(a) Purpose. The Village of Sister Bay is committed to providing clean drinking water to all of its residents in particular to the customers of the Village's Water Utility. The Village Board finds and determines that improperly constructed, unused or improperly abandoned private wells are a known pathway for the entrance of contaminants into groundwater aquifers, which aquifers also supply the municipal water system. It is further determined that cross connecting of private wells and municipal water sources may lead to contamination. Contamination of the Village's water supply would severely and adversely affect the health, safety and general welfare of Village residents, particularly since contamination once introduced is extremely difficult to correct. Therefore, it is necessary and in the public interest that all wells within the corporate limits of the Village, whether existing or hereafter installed, shall be effectively monitored and regulated in regard to their creation, operation and abandonment as set forth in this section.

The rules and regulations of the Village concerning sewer and water users in this chapter shall be considered a part of the contract with every person, company or corporation who is connected to or uses the Village sewer and water systems, and every person, company or corporation by connecting with the sewer system or wastewater treatment facility shall be considered as expressing his/her or their assent to be bound. In addition, these rules and regulations of the Village in this chapter shall apply to all properties, persons, companies or corporations who use wells, septic systems and holding tanks in the Village not currently receiving service from the Village.

The Village Board reserves the right to change the rules and regulations from time to time, as it may deem advisable; and to make special rates and contracts in all proper cases. Persons connected to the sewer and water systems of the Village are referred to in this chapter as "users." This chapter ordains that the failure to connect to the sewer and water system is contrary to the minimum health standards of the Village and fails to ensure preservation of public health, comfort and safety of Village residents.

(b) Plumbers. No plumber, pipe fitter or other person will be permitted to do any plumbing or pipefitting work related to the sewer or water system without first receiving a license from the State. All service connections to the sewer main or water main shall comply with the State plumbing code. The Village herein adopts by reference Chapter COMM. 82,

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Wisconsin Administrative Code, of the State Plumbing Code. This section does not supersede the State Plumbing Code and Chapter 14 of this Municipal Code, but is supplementary to them.

63 (c)

#### Mandatory hookup.

(1) The owner of each parcel adjacent to sewer and water mains on which there exists a building usable for human occupation, or in a block through which utility systems extend, shall connect to the systems. Once the new system is placed in service, the property owner will receive a written notice that they must connect within 180 days from that notice. Once 180 days have lapsed and the property has not connected to the system, the Village may provide a second written notice that the Village is commencing the process to undertake the work and will bill the property owner for the costs including all administrative and staff expenses. Costs not paid within 30 days shall be assessed as a special tax lien against the property. The owner may within 30 days after the completion of the work file a written option with the Utility Manager stating that he/she cannot pay the amount in one sum and ask that it be levied in no more than five equal annual installments and that the amount shall be so collected with interest at prime rate plus 7 percent maximum per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Wisconsin Statutes § 281.45.

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(2) Instead of the provisions of subsection (c)(1) of this section, the Village at its option may impose a penalty for the period that the violation continues, after ten days written notice to any owner failing to make a connection to the sewer and water systems, of an amount equal to four times the minimum quarterly charge for the sewer, fire protection and water service payable quarterly for the period in which the failure to connect continues, and, upon failure to make the payment, a charge shall be assessed as a special tax lien against the property, all pursuant to Wisconsin Statutes § 281.45.

107 (d)

Private Wells in General. To prevent unused, unsafe and/or improperly constructed wells from serving as a passage for contaminated surface or near surface waters or other materials to reach the usable groundwater, these wells must be properly maintained or filled and sealed. Section NR 811.10, Wisconsin Administrative Code, provides that a municipal water system shall require abandonment of all unused, unsafe or non-complying private wells located on premises served by the

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water system. All properties within the Village limits shall be governed by this section. All property owners must obtain a well permit as specified below in order to operate or utilize a well.

### (1) Private Well Abandonment Requirements.

a. Any private well which is unused, unsafe or non-complying and which serves any premises required to be connected to a water main under Section 62.2 of this Chapter shall be permanently abandoned within six months after connection of the premises to the water system, unless a well operation permit has been obtained by the well owner pursuant to subsection (2) below. Abandonment shall be conducted by filling and sealing in accordance with the provisions of Chapter NR 812 Wisconsin Administrative Code. It shall be the responsibility of the landowner of any real property upon which a well is located to see to it that all wells located on the owner's property have been properly abandoned in accordance with the procedures of Wisconsin Administrative Code NR Chapter 812, regardless of whether the owner has used the well. Upon discovery of any unused or previously abandoned well, the owner shall notify the Village and comply, insofar as is practicable, with the procedures of this section. In the case of a previously abandoned well, if the owner can produce proof of compliance with state well abandonment requirements to the satisfaction of the Village, compliance with this section may be deemed satisfied. The determination shall be at the discretion of the Utility Manager upon considering the present and future possibility of ground water contamination at the well site.

b. The owner of the well or the owner's agent who will conduct the abandonment shall notify the Village at least two business days prior to commencement of any well abandonment activities so that the Village may observe the abandonment.

c. Wells must be abandoned by licensed well drillers and or pump installers.

d. Wells to be abandoned shall be filled according to the procedures outlined in Wisconsin Administrative Code NR Chapter 812. The pump and piping must be removed and the well checked for obstructions before plugging. Any obstruction or liner must be removed. A well abandonment report must be submitted by the well owner to the State Department of Natural Resources on forms provided by that agency and a copy provided to the Village. The report shall be submitted immediately upon completion of the filling of the well.

### (2) Permit for wells for outdoor or agricultural watering for properties served by Village Utilities.

a. Any owner of a private well which is required to be permanently abandoned pursuant to subsection (1)(a) above shall apply to the Village for permission to maintain the well in good operating condition for the sole purpose of providing water for filling swimming pools, lawn or garden watering or other similar agricultural purpose, provided that the well continues to pass all tests required for private wells and the owner shall agree to pay the cost of abandonment when the well shall be permanently abandoned.

b. Every owner of a private well which was in existence on January 1, 1990, that serves premises also served by the municipal water system and who wants to continue to use the well shall obtain a permit for the use of the well from the Village within 90 days from the effective date of this section § 62.6(d)(2) determined to be May 14, 1991. Drilling new private wells that will be used under the circumstances described in this subsection may not commence until a permit for the excavation of the private well has been granted in accordance with the terms of this section.

c. Applications for a permit for the excavation or use of a private well under this section shall be made in writing by the owner or owners of the well to the Village on forms provided by the Village. A \$50 processing fee shall accompany any

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- private well excavation or renewal permit application. A permit shall be granted to a well owner to operate a well for a period not to exceed five years if the requirements of this subsection are met. Failure to obtain an initial or renewal permit will result in a late permit fee of \$100 plus the penalties in section (6). Permit applications shall be made and submitted on forms provided by the Village. Permits and permit renewals will be granted under this section only for wells and pump installations where:
- (1) No physical connection shall exist between the piping of the public water system and the private well.
  - (2) Bacteriologically safe water is evidenced by at least two samples taken a minimum of two weeks apart.
  - (3) There are no known exceedances of the preventive action limits (PALs) set forth in Chapter NR 140, Wisconsin Administrative Code.
  - (4) The well and pump installation shall be inspected and shall meet the requirements of Wisconsin Administrative Code NR Chapter 812 in effect at the time of the well construction and pump installation. A well constructor's report shall be on file with the State Department of Natural Resources or Certification of the Acceptability of the well shall have been granted by the private water supply section of the State Department of Natural Resources.
  - (5) The proposed use of the well can be justified as necessary in addition to water provided by the public water system.
- (3) Permit for existing wells for properties not served by Village Utilities.
- a. Every owner of a private well, which was in existence on June 1, 2009, in the Village that serves their property, shall obtain a permit for the use of the well from the Village
- within 90 days from the effective date of this section.
- b. A section (3)(a) well permit will be for a period of five years upon issuance. The initial permit shall cost \$50. The subsequent renewal permit processing fee shall be \$50. Failure to obtain an initial or renewal permit will result in a late permit fee of \$100 plus the penalties in section (6). Permit applications shall be made and submitted on forms provided by the Village.
  - c. The well owner or operator shall every five years, on a schedule established by the Village, provide the Village with written evidence that the well produces bacteriologically safe water as evidenced by two safe water samples taken a minimum of two weeks apart. The report shall be submitted during the period June 1 — September 1 of each year. If the well does not meet the safe water requirements or is unsafe the owner must either repair or replace the well. However, prior to undertaking any repairs or replacement of the well the property owner must meet with the Utility Manager to determine if the proposed repairs or replacement would solve the contamination problem or if some other course of action is more practical. In lieu of repairing or replacing the well, the property owner may request the Village extend municipal water to serve that property.
- (4) Permit for new wells for properties not served by Village Utilities.
- a. After January 1, 2009, the drilling of new private wells that will be used under the circumstances described in this section may not commence until a permit for the excavation of the private well has been granted in accordance with the terms of this section.
  - b. A section (4)(a) well permit will be for a period of five years upon issuance and the initial permit shall cost \$50. Failure to obtain a permit will result in a late permit fee of \$100 plus the penalties in section (6). Permit applications shall be made and submitted on forms provided by the Village.

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## Section 62.6 Sewer and Water User Rules and Regulations.

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- 1 c. The well owner or operator shall 59  
2 every five years, on a schedule es- 60  
3 tablished by the Village, provide the 61  
4 Village with written evidence that 62  
5 the well produces bacteriologically 63  
6 safe water as evidenced by two safe 64  
7 water samples taken a minimum of 65  
8 two weeks apart. The report shall be 66  
9 submitted during the period June 1 67  
10 — September 1 of each year. If the 68  
11 well does not meet the safe water 69  
12 requirements or is unsafe the owner 70  
13 must either repair or replace the 71  
14 well. However, prior to undertaking 72  
15 any repairs or replacement of the 73  
16 well the property owner must meet 74  
17 with the Utility Manager to deter- 75  
18 mine if the proposed repairs or re- 76  
19 placement would solve the contam- 77  
20 ination problem or if some other 78  
21 course of action is more practical. 79  
22 In lieu of repairing or replacing the 80  
23 well, the property owner may re- 81  
24 quest the Village extend municipal 82  
25 water to serve that property. 83
- 26 (5) Additional conditions of well permit. The 84  
27 right to construct, install and maintain a 85  
28 well as authorized by permit under this sec- 86  
29 tion shall be expressly conditioned upon 87  
30 the owners and successors in interest com- 88  
31 plying with the following: 89
- 32 a. The owner shall permit the Village 90  
33 access to the well for inspection and 91  
34 testing at any time during normal 92  
35 working hours. If entry is refused, 93  
36 the well permit is revoked and the 94  
37 owner shall proceed with abandon- 95  
38 ment as specified above. On re- 96  
39 quest, the owner, lessee or occupant 97  
40 of any property so served shall fur- 98  
41 nish to the inspector any pertinent 99  
42 information regarding the piping 100  
43 system on the property. 101
- 44 b. No repair or modification of any 102  
45 well may be performed unless done 103  
46 by a properly licensed individual. 104  
47 At least one business day notice to 105  
48 the Village prior to undertaking the 106  
49 repairs is required so the work may 107  
50 be inspected. Any and all plumbing 108  
51 code permits as required shall also 109  
52 be obtained prior to undertaking any 110  
53 work. 111
- 54 c. The Village shall have the right to 112  
55 sample the water after completion 113  
56 of any repairs or modifications. The 114  
57 sampling shall be at the owner's 115  
58 cost and may either be done by the
- d. The Village shall have the right to  
randomly test or to direct the owner  
to test the well not more than two  
times in any six-month period. The  
Village may require additional test-  
ing if there is reason to believe  
some contamination may be present  
or that the results of previous tests  
may be invalid. The Village at its  
option may require testing for con-  
taminates to include microbiologi-  
cal, radioactive, inorganic, synthetic  
organic, pesticides, herbicides and  
volatile organic substances. The  
Utility Manager shall report the re-  
sults of testing and the resulting re-  
medial action to the DNR on an an-  
nual basis. If the test results suggest  
that a severe or area wide problem  
exists the Utility Manager shall no-  
tify the DNR immediately.
- e. The cost of any testing and sam-  
pling as provided in this section  
shall be paid by the owner upon in-  
voice by the Village.
- f. A permit issued in accordance with  
the provisions of this section shall  
be revoked by the Utility Manager  
upon notice to the permittee that  
any of the following have occurred:
1. The owner of the well has  
refused access to a well for  
testing or has failed to fol-  
low a direction of order of  
the Village in regard to test-  
ing or sampling.
  2. The owner of any well has  
neglected to pay for any  
tests authorized with 30  
days of billing or invoice.
  3. Any test results demonstrate  
well contamination and do  
not meet reasonable health  
standards or are in violation  
of any state or municipal or-  
dinance dealing with well  
operation.
  4. The parties aggrieved by  
permit revocation may ap-  
peal the initial decision of  
the Utility Manager to the  
Village Board by filing a  
written petition for review  
with the Village clerk-  
treasurer.

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## Section 62.6 Sewer and Water User Rules and Regulations.

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(e) Private wastewater systems prohibited. The maintenance and use of septic tanks and other private sewage disposal systems within the area the village services by its sewer system are declared a public nuisance and a health hazard. The use of septic tanks or any private sewage disposal system within the area of the village serviced by the sewerage system is prohibited.

(f) Application for initial sewer and water service. Every person connecting with the sewer and water systems initially shall file an application in writing to the Utility Manager in such form as is prescribed for that purpose. Blanks for such application will be furnished at the office of the administrator and the Sewer and Water Utility Office. The application must state fully and truly all the uses the applicant intends to make of the sewer and water systems. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. If it appears that the service applied for will not provide adequate service for the contemplated use, the board may reject the application. If the board approves the application, it shall issue a permit for services as shown on the application.

(g) Septage disposal. Between August 1 and September 1 of each year, every licensed disposer wishing to discharge septage to the village's wastewater treatment works shall file a nonrefundable filing fee and an application in writing to the board in such a form as is prescribed for that purpose. During the months of July and August, forms for such application will be furnished at the office of the Utility Manager. The application must state fully and truly the type, frequency, quantity, quality and location of generated septage to be disposed at the village's wastewater treatment works. During September, the board will evaluate the applications and determine the amount and conditions of septage disposal at the village's wastewater treatment facility. The board shall approve or reject all applications by October 1 of each year. If the board cannot accept the proposed septage disposal, then consideration shall be given first to those generators of septage that are within the septage service area. The septage service area includes the Town of Liberty Grove, the village and the Liberty Grove Sanitary District No. 1. All village approvals for septage disposal shall have the condition that any time the wastewater treatment works has operational problems, maintenance problems or the threat of WPDES permit violations that are indirectly or directly related to septage disposal, the village may immediately restrict septage disposal outside the septage service area until corrective action or mitigative measures have been taken. Septage shall be discharged only at the village wastewater treatment plant and only by village approved and state licensed disposers and at loca-

tions, times and conditions as specified by the board.

(h) User to keep in repair. All users shall keep their own sewer service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system. The service pipe shall be defined to be the building drain and building sewer pipe extending from the interior drain of the building to the sanitary sewer main.

(i) Backflow preventor. All floor drains shall have a backflow prevention valve installed at the owner's expense.

(j) User use only. No user shall allow others or other services to connect to the sewer or water system through his lateral.

(k) Vacating of premises and discontinuance of service. Whenever premises served by the system are to be vacated, or whenever any person wants to end service from the system, the Utility Manager must be notified in writing. Upon such notification, the village will cause an inspection to be made of the system. If any damages are discovered having occurred to the system, other than through the fault of the system itself, or village employees, representatives or agents, the owner of the premises shall be liable for such damages.

(l) User to permit inspection. Every user shall allow the board or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures and the manner in which the drains and sewer connections operate.

(m) Damage and repairs. No claim shall be made against the village or acting representative due to the breaking, clogging, stoppage or freezing of any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is here reserved to cut off the service any time for repairs or any other necessary purpose, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer or water service within any area of the village, the Utility Manager shall, if practicable, give notice to every consumer within the village, of the time when such service will shut off.

(n) Water cross connection control.

(1) No person shall establish or permit to be established or maintain or permit to be maintained any cross connection. A cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the village water system, and the other, water from a private



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## Section 62.6 Sewer and Water User Rules and Regulations.

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- 1 source, water of unknown or questionable safety, 58  
2 or steam, gases or chemicals so there may be a 59  
3 flow from one system to the other, the direction of 60  
4 flow depending on the pressure differential be- 61  
5 tween the two systems. No interconnection shall be 62  
6 established so potable water from a private, auxi- 63  
7 liary or emergency water supply other than the reg- 64  
8 ular water supply of the village may enter the sup- 65  
9 ply or distribution system of the village, unless 66  
10 such private, auxiliary or emergency water supply 67  
11 and the method of connection and use of such sup- 68  
12 ply shall have been approved by the village and by 69  
13 the state department of natural resources. 70
- 14 (2) It is the duty of the village to cause inspec- 71  
15 tions to be made of all properties served by the 72  
16 public water system where cross connections with 73  
17 the public water system is deemed possible. The 74  
18 frequency of inspections and reinspections based 75  
19 on potential health hazards involved shall be as es- 76  
20 tablished by the board and as approved by the state 77  
21 department of natural resources. 78
- 22 (3) Upon presentation of credentials, a repre- 79  
23 sentative of the village shall have the right to re- 80  
24 quest entry at any reasonable time to examine any 81  
25 property served by a connection to the public water 82  
26 system of the village for cross connections. If entry 83  
27 is refused, such representative may obtain a special 84  
28 inspection warrant under Wis. Stats. § 66.0119. On 85  
29 request, the owner, lessee or occupant of any prop- 86  
30 erty so served shall furnish to the inspection agen- 87  
31 cy any pertinent information regarding the piping 88  
32 systems on such property. 89
- 33 (4) The village shall cease water service to any 90  
34 property in which any connection violating this 91  
35 chapter exists and to take such other precautionary 92  
36 measures deemed necessary to eliminate any dan- 93  
37 ger of contamination of the water system. Water 94  
38 service shall be ceased only after reasonable notice 95  
39 and opportunity for hearing under Wis. Stats. 96  
40 Chapter 68, except as provided here. Water service 97  
41 to such property shall not be restored until the 98  
42 cross connection has been eliminated in compli- 99  
43 ance with the provisions of this chapter. 100
- 44 (5) If it is determined by the village that a cross 101  
45 connection or an emergency endangers public 102  
46 health, safety or welfare and requires immediate 103  
47 action, and a written finding to that effect is filed 104  
48 with the Utility Manager and delivered to the cus- 105  
49 tomer's premises, service may be immediately 106  
50 ceased. The customer shall have an opportunity for 107  
51 a hearing under Wis. Stats. Chapter 68 within ten 108  
52 days of emergency discontinuance. 109
- 53 (o) Prohibitions against discharge to sewer. No person 110  
54 shall discharge or cause to be discharged any of the 111  
55 following described liquids or solid wastes to any 112  
56 sanitary sewer or to the wastewater treatment facil-  
57 ity:
- (1) Any stormwater, surface water, groundwa-  
ter, roof run off, sump pump, surface drainage, or  
any other connections from inflow sources to the  
sanitary sewer. Such waters may be discharged to a  
storm sewer or other waterway with written per-  
mission of the village.
- (2) Any gasoline, benzene, naphtha, fuel oil,  
lubricating oil or other flammable or explosive liq-  
uid, solid or gas or other substances that by them-  
selves or by interaction with other substances may  
cause fire or explosion hazards, or in any other  
way harmful to persons, property or the operation  
of the wastewater facilities.
- (3) Any waters or wastes containing toxic or  
poisonous substances in sufficient quantity, either  
singly or by interaction with other wastes, which  
will injure or interfere with any wastewater treat-  
ment process, constitute a hazard to humans or an-  
imals, create a public nuisance in the receiving wa-  
ters of the wastewater treatment plant or interfer-  
ence with the disposal of sludge.
- (4) Any waters or wastes having a pH lower  
than five or having any other corrosive property  
capable of causing damage or hazard to structures,  
equipment and personnel or the wastewater facili-  
ty.
- (5) Any waters or wastes having a pH more  
than ten.
- (6) Solid or viscous substances in quantities or  
of a size capable of causing obstruction to the flow  
in sewers or other interference with the proper op-  
eration of the wastewater facilities such as, but not  
limited to, ashes, cinders, sand, rocks, mud, straw,  
shavings, metal, glass, rags, feathers, tar, plastics,  
wood, unground garbage, whole blood, paunch  
manure, hair or fleshings, entrails, paper dishes,  
cups, milk containers, etc., either whole or ground  
by garbage grinders.
- (7) Any discharge into the sanitary sewerage  
system that is violating the requirements of the  
WPDES permit and the modifications of it.
- (8) Wastewater having a temperature higher  
than 150 degrees Fahrenheit or cause the  
wastewater at the treatment facility to exceed 104  
degrees Fahrenheit.
- (9) Any waters or wastes which may contain  
more than 100 parts per million by weight of oils,  
fat or grease.
- (10) Any garbage that has not been properly  
shredded. Garbage grinders may be connected to  
sanitary sewers from homes, hotels, institutions,  
restaurants, hospitals, catering establishments or  
similar places where garbage originates from the  
preparation of food in kitchens for consumption on  
the premises or when served by caterers.

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## Section 62.7 Sewer Connection Fees.

## Section 62.7 Sewer Connection Fees.

- (11) Any waters or wastes containing iron, chromium, copper, zinc, mercury and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the treatment facility exceeds the limits established by the village for such materials.
- (12) Any waters or wastes containing odor-producing substances exceeding limits that may be established by the village.
- (13) Any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the village complying with applicable state or federal regulations.
- (14) Quantities of flow, concentrations or both that form a slug load as defined in this chapter.
- (15) Incompatible pollutants containing substances that are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (16) Any waters or wastes that, by interaction with other waters or wastes in the public sewer system, release obnoxious gases, form suspended solids that interfere with the collection system or create a condition deleterious to structures and treatment processes.
- (17) Materials, which exert or cause:
- a. Unusually high BOD5, chemical oxygen demand or chlorine requirements, such as, but not limited to, whey in such quantities as to form a significant load on the wastewater treatment facility.
  - b. Unusual flow or concentrated wastes forming a slug load as defined in this chapter.
  - c. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).
  - d. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- (p) Special wastewater agreements. No statement contained in this chapter shall be construed as prohibiting any special agreement between the village and any person by which an industrial waste of unusual strength or character may be admitted to the wastewater treatment facility, either before or after pretreatment, if there is no impairment of the functioning of the wastewater treatment facility due to the admission of the wastes and no extra costs are incurred by the village without recom-
- pense by the person, if all rates and provisions set forth in this chapter are complied with.
- (q) Wastewater permit required. It shall be unlawful to discharge to any natural waterway within the village or in any area under the jurisdiction of the village any sewage or other polluted waters without first obtaining a WPDES permit.
- (r) Abandoned water connection. Whenever any connection to the Water System is abandoned because the building to which the connection is made has been abandoned, destroyed or removed, the property owner must remove any pipe or connections in the public right of way or easement and cap, plug or otherwise seal the pipe or main as approved by the Utility Manager. The property owner must notify the Utility Manager at least three (3) business days in advance of the intent to abandon a lateral. The lateral abandonment must be inspected by the Water Utility during normal working hours before burial takes place. If proper abandonment is not performed, the Water Utility may authorize this work done and billed back to the property owner or placed on the tax roll as a special assessment or fee.
- (s) Abandoned sewer connection. Whenever any connection to the Wastewater Collection System is abandoned because the building to which the connection is made has been abandoned, destroyed or removed, the property owner must expose the line at the property line, disconnect and permanently cap the pipe or connections in the public right of way or easement and cap, plug or otherwise seal the pipe or main as approved by the Utility Manager. The property owner must notify the Utility Manager at least three (3) business days in advance of the intent to abandon a lateral. The lateral abandonment must be inspected by the Sewer Utility during normal working hours before burial takes place. If proper abandonment is not performed, the Sewer Utility may authorize this work done and billed back to the property owner.

## Section 62.7 Sewer Connection Fees.

- (a) Sewer connection fees. All new users to the sewer system are required to buy into the system wide improvements through an initial connection charge. The initial connection charge will be levied against each user connected to the sanitary sewer. The single-family residence connection charge will be on file in the village payable before connection to the sewer. Initial connection charge for multiple-family, commercial or industrial buildings will be based on a multiple of the single-family connection charge or residential equivalent user (REU). The initial connection charge for restaurants, small commercial or industrial connections will be based on a multiple of the volume of water usage and strength of wastewater in comparison to a typical single-family residence residential equivalent user having the following standards:

# Village of Sister Bay Utility Code

## Section 62.8 Water Connection Fee.

## Section 62.10 Payment of Charges.

### REU Standards

Volume	225 gallons per day
BOD (Biochemical Oxygen Demand)	0.51 pounds per day
SS (Suspended Solids)	0.60 pounds per day
Phosphorus	0.03 pounds per day

(b) The Utility Committee shall establish and maintain a methodology to charge a connection fee for all properties taking into account the cost of materials, equipment and vehicles, the cost of employee time to perform the work and to set up the account for billing purposes.

### Section 62.8 Water Connection Fee.

(a) Water Lateral Installation Charge. The initial water service lateral(s), not installed as part of a subdivision development or an assessable utility extension, will be installed from the main through the curb stop and box by the utility, for which the actual cost will be charged. (Amended Ordinance 133-100207)

(b) The Utility Committee shall establish and maintain a methodology to charge a connection fee for all properties taking into account the cost of materials, equipment and vehicles, the cost of employee time to perform the work and to set up the account for billing purposes.

### Section 62.9 User Charge System.

(a) Policy. It is the policy of the Village Board to obtain sufficient revenues to pay the costs of the operation and maintenance of the water, wastewater collections and treatment facilities, including a replacement fund (i.e., a cash account to be used for future expenditures for obtaining or installing equipment, accessories or appurtenances that are necessary to maintain the capacity and performance of those facilities during the service life for which such facilities were designed and constructed), through a system of water and sewer service charges as defined in this section. The system shall ensure that each user of the sewerage facilities pays a proportionate share of the cost of facilities.

(b) Reassignment of users. The village will reassign water and sewer users into appropriate water and sewer service charge categories if wastewater sampling programs, changes in water demand and other related information show a change of categories is necessary.

(c) Sewer User charge methodology. The Utility Committee shall establish and approve the methodology for sewer use rates. The following factors shall be used to calculate the debt service and operation, maintenance and replacement charges for the treatment of village and outside wastewaters:

(1) Debt service charges.

(2) Operation, maintenance and replacement charges.

(3) Surcharges. All users shall pay a surcharge on wastewater exceeding normal concentrations.

(e) Water User Charge System. The methodology for determining water rates is established by the Wisconsin Public Service Commission. The water user charges are established and included in the Wisconsin Public Service Commission (WPSC) rate file established for the village.

(f) Review and approval of rates. The Village Utility Committee shall provide oversight of the utilities consistent with the requirements of the Wisconsin Public Service Commission. The Utility Committee will prepare an annual budget and capital improvement plan on the same schedule as the Village Budget for approval by the Village Board. The Utility Committee will conduct a review of wastewater and water rates on alternate years for Village Board consideration.

(g) Records and expenditures. The water and sewer utility shall maintain all records of revenue and expenditures as required by the WPSC and statutes.

(d) Annual sewer system audit. The village shall conduct an annual audit, the purpose of which shall be to maintain the proportionality between the users and user classes of the sewer user charge system and to ensure that adequate revenues are available relative to increasing operation, maintenance and replacement costs for the sewer and wastewater treatment works and water system.

### Section 62.10 Payment of Charges.

(a) Payment. The sewer and water service charges shall be billed quarterly and shall be payable to the Water and Sewer Utility not later than 20 days after the end of each period. Every reasonable care will be exercised in the proper delivery of sewer and water bills. Failure to receive a sewer and/or water bill, however, shall not relieve any person of the responsibility for payment of sewer and water rates within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment of it. The property owner is held responsible for all sewer and water bills on the premises that he owns. All sewer and water bills and notices of any nature about the sewer or water system will be addressed to the owner and delivered to the premises referred to on such bill or notice. A late payment charge of three percent (3.0%), but not less than \$0.50, will be added to all bills not paid within the 20 days of issuance. (Amended Ordinance 133-100207)

(b) Charges a lien. All sewer charges shall be a lien upon the property serviced pursuant to Wis. Stats.

# Village of Sister Bay Utility Code

## Section 62.11 Control of High Strength Waste and Septage Wastes.

## Section 62.11 Control of High Strength Waste and Septage Wastes.

§ 66.0821(4)(d) and all water charges shall be a lien on the property serviced pursuant to Wis. Stats. § 66.0809 and all such charges shall be collected in the manner therein provided.

### (c) Disposition of revenue.

#### (1) Sewer system.

a. The amounts received from the collection of charges authorized by this chapter shall be credited to a sanitary sewerage account that shall show all receipts and expenditures of the sewerage system. Charges collected for replacement expenses shall be credited to a segregated, non-lapsing replacement account. These funds are to be used exclusively for replacement. When appropriated by the village, the credits to the sanitary sewerage account shall be available for the payment of the requirements for operation, maintenance, repairs and depreciation of the sewerage system consistent with 40 CFR 35.929. Any surplus outside the preview of 40 CFR 35.929, in such account, shall be available for the payment of principal and interest of bonds issued and outstanding, or that may be issued, to provide funds for such sewerage system, or part of it, and all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness, and the village may resolve to pledge each surplus or any part of it for any such purpose. All present outstanding sewer system general obligation bonds on the effective date of the ordinance from which this chapter is derived, including refunding bonds, shall be paid from this fund as to both principal and interest.

b. Excess revenues collected for a user class will be applied to operation and maintenance costs attributable to that class for the next year.

## Section 62.11 Control of High Strength Waste and Septage Wastes.

(a) High Strength Waste discharges. If any waters, wastes or septage are discharged, or proposed to be discharged, to the public sewers or at the wastewater treatment facility, which waters, wastes or septage contain substances or possess the characteristics enumerated in subsection 62.6(o) that, in the judgment of the village, may have deleterious effects upon the wastewater treatment facility, processes, equipment, receiving waters or which otherwise create a hazard to life, health or form a public nuisance, the village may: (Amended Ordinance 133-100207)

(1) Reject the wastes.

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(2) Require pretreatment to an acceptable condition for discharge to the public sewers.

(3) Require control over the quantities and rates of discharge.

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 62.9.

### (b) Control manholes.

(1) Each person discharging high strength wastes into a public sewer shall construct and maintain one or more control manholes or access points to ease observation, measurement and sampling of his wastes, including domestic sewage.

(2) Control manholes or access facilities shall be located and built in a manner acceptable to the board. If measuring devices are to be permanently installed, they shall be of a type acceptable to the board.

(3) Control manholes, access facilities and related equipment shall be installed by the person discharging the high strength waste, at his expense, and shall be maintained by the person discharging the waste to be in safe condition, accessible and in proper operating condition always. Plans for installation of control manholes or access facilities and related equipment shall be approved by the board before the beginning of construction.

(c) Metering of waste. Devices for measuring the volume of waste discharged may be required by the village if this volume cannot otherwise be estimated. Where required by the village, metering devices for determining the volume of water shall be installed, owned and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the village.

### (d) Waste sampling.

(1) High strength wastes and septage discharged into the public sewers shall be subject to periodic inspection and a determination of the character and concentration of such wastes. The determinations shall be made by the industrial classification or the licensed disposer as often as may be deemed necessary by the village.

(2) Samples shall be collected in such a manner as to represent the composition of the wastes. The sampling may be accomplished either manually or by mechanical equipment acceptable to the village.

(3) Testing facilities shall be the responsibility of the person discharging the high strength waste or septage and shall be subject to the approval of the village. Access to sampling locations shall always be granted to the village or its duly author-

# Village of Sister Bay Utility Code

## Section 62.12-14 Reserved.

## Section 62.15 Violations and Penalties.

ized representative. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

(e) Pretreatment. When required, in the opinion of the village, to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater conveyance and treatment facilities, the discharger shall provide at his expense such preliminary treatment or processing facilities as may be required to render such wastes acceptable for admission to the public sewers.

(f) Grease, oil and sand interceptors. Grease, oil and sand interceptors shall be provided by the high strength waste discharger and shall be located to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the discharger shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal that are subject to review by the village. Any removal and hauling of the collected materials not performed by the discharger personnel must be performed by state department of natural resources licensed disposal firms.

(g) Analyses.

(1) All measurements, tests and analyses of the characteristics of waters, wastes and septage to which reference is made in this chapter shall be determined according to "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association and "Guidelines Establishing Test Procedures for Analysis of Pollutants," (40 CFR 136). Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the village.

(2) Determination of the character and concentration of the high strength wastes shall be made by the person discharging them or his agent, as designated and required by the village. The village may also make its own analyses of the wastes and these determinations shall be used as a basis for charges. If the person discharging the waste contests the determination, the village may elect to have an independent laboratory determine the character and concentration of the waste. Such independent laboratory shall be acceptable to both the village and the person discharging the waste. All costs incurred by the independent laboratory in determining shall be assumed by the discharger.

(h) Submission of information. Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or processing facilities shall be submitted for review of the village before the start of their construction if

the effluent from such facilities is to be discharged into the public sewers.

(i) Extension of time. When it can be demonstrated that circumstances exist that would create an unreasonable burden on the person proposing to discharge a waste, to comply with the time schedule imposed in this chapter, a request for extension of the time may be presented for consideration by the board.

## 67 Section 62.12-14 Reserved.

## 68 Section 62.15 Violations and Penalties.

(a) Damages and accidental discharge.

(1) Damages. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure of pertinence or equipment that is a part of the sewer system or water system.

(2) Accidental discharge. Any person found responsible for accidentally allowing a deleterious discharge into the sewer system that causes damage to the treatment facility and/or receiving body of water shall, besides a fine, pay the amount to cover damages, both values to be established by the village.

(b) Written notice of violation.

(1) Any person connected to the sewerage system or water system found violating a provision of this chapter shall be served by the village with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction of it. If the person does not correct the violation within the time set by the village, then the person shall be liable for the penalties set forth in subsection (e) of this section from the day of first violation. The offender shall, within the period stated in such notice, permanently cease all violation.

(2) Any licensed disposer discharging to the wastewater treatment facility or to a public sewer, found violating a provision of this chapter or of any conditions of the Village Board's approval for septage disposal, may have his approval immediately revoked. This revocation shall be done in writing and state the reason for revoking the septage disposal approval.

(3) Whenever any of the rules and regulations, or others as the Village may hereafter adopt, are violated, the use of service shall be shut off from the building or place of violation (even if there are two or more parties receiving service through the same connection) and shall not be re-established except by order of the Village Board and on payment of all arrears, the expenses and established charges of shutting off and putting on and other terms as the Village Board may decide. With the

# Village of Sister Bay Utility Code

## Section 62.16 Definitions.

## Section 62.16 Definitions.

violation, the Village Board, furthermore, may declare any payment made for the service by the parties committing the violation, to be forfeited, and the payment shall then be forfeited.

(c) Liability to village for losses. Any person violating any provision of this chapter shall become liable to the village for any expense, loss or damage occasioned because of a violation that the village may suffer as a result of it.

(d) Damage recovery.

(1) The sewer utility shall have the right of recovery from all persons an expense incurred by such utility for the repair or replacement of any sewer pipe damaged in any manner by any person by the performance of any work under their control or by any negligent acts.

(2) The water utility shall have the right of recovery from all persons any expense incurred by such utility for the repair or replacement of any water pipe, curbcock, gate valve, hydrant or valve box damaged in any manner by any person by the performance of any work under their control or by any negligent act. Owners or operators of motor vehicles will be held liable for the cost of repair of any hydrant damaged by them and the utility will not be responsible for the damage to the motor vehicle because of such accident.

(6) Penalties for Well Abandonment.

(1) Failure to abandon any well after revocation of a permit to follow the provisions of Wisconsin Administrative Code NR Chapter 812, in abandoning the well is hereby deemed a public nuisance, and the Village may cause the well to be properly abandoned and may assess the cost against the owner of the affected property and collect it as a special tax.

(7) Penalties for Cross Connections.

The Village may discontinue water service to any property wherein any connection in violation of this section exists, if the Village reasonably believe that a cross connection may contaminate the municipal water system. The Village may also take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided below. Water service shall not be restored until the matters in violation of this section have been eliminated and the private well and plumbing brought into compliance with the provisions of this section or adequate assurance is given the Village in its discretion that this section will be complied with in a timely manner. If it is determined by the Village that a failure of compliance with this section endangers the public health, safety or welfare and requires immediate action

and a written finding to that effect is filed with the Village clerk-treasurer and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within ten days of an emergency discontinuance.

(e) Penalties. Any person who shall violate any of the provisions of this chapter shall, upon conviction, forfeit not less than \$100.00 nor more than \$1,000.00 and the costs of prosecution (pursuant to Wis. Stats. § 66.0114). This, however, shall not bar the village from enforcing the connection duties set out in subsection 62.6(c) for mandatory hookup. Compliance with this chapter may also be enforced by injunction order at the suit of the village to prevent or cause the discontinuance of a violation of any of the provisions of this chapter. This chapter may be enforced by the issuance of a citation to any violator of this chapter by the Village Administrator, by any state officer with police powers or any other duly appointed law enforcement officer of the Village.

(f) Continued violation. Any person, partnership, corporation or any officer, agent or employee thereof who shall continue any violation beyond the notice time limit provided shall, upon conviction, forfeit not less than \$500.00 per day of continued violation with the costs of prosecution. In default of payment of forfeiture and costs, such violator shall be imprisoned in the county jail for a period not to exceed five days. Each day in which any violations is continued beyond the notice time limit shall be deemed a separate offense.

## Section 62.16 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

Approving authority means the Village Board or its duly authorized committee, agent or representative.

Backflow means:

(1) A flow condition, induced by a differential in pressure that causes the flow of water or other liquid into the distribution pipes of a potable water supply from any source or sources other than its intended source.

(2) The backing up of water through a conduit or channel in the direction opposite to normal flow.

Biochemical oxygen demand (BOD) means the quantity of oxygen used in the biochemical oxidation of organic matter in five days at 20 degrees Celsius, expressed as milligrams per liter. Quantitative determination of BOD shall be made according to procedures set forth in the most recent edition of "Standard Methods."

Building drain means that part of the lowest horizontal piping of a drainage system that receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer.

# Village of Sister Bay Utility Code

## Section 62.16 Definitions.

## Section 62.16 Definitions.

1 Building sewer means the extension from the public sewer  
2 or other place of disposal beginning outside the inner  
3 face of the building wall.  
4 Compatible pollutants means biochemical oxygen demand,  
5 suspended solids, phosphorus, or pH, plus  
6 additional pollutants identified in the Wisconsin  
7 Pollutant Discharge Elimination System (WPDES)  
8 permit for the publicly owned treatment works receiving  
9 the pollutants if such works were designed  
10 to treat such additional pollutants to a substantial  
11 degree.  
12 Cross connection, control means a program for protecting  
13 the public water system from contamination due to  
14 the backflow of contaminants through the water  
15 service connection into the public water system.  
16 Debt service charges means all costs associated with the  
17 repayment of debts incurred for the construction  
18 and/or rehabilitation of the wastewater collection  
19 system and treatment facility.  
20 Floatable oil means oil, fat or grease in a physical state  
21 such that it will separate by gravity from  
22 wastewater by treatment in an approved pretreatment  
23 facility. A wastewater or septage shall be  
24 considered free of floatable fat if it is properly pretreated  
25 and the wastewater does not interfere with  
26 the collection system.  
27 Garbage means the residue from the preparation, cooking  
28 and dispensing of food, and from the handling,  
29 storage and sale of food products and produce.  
30 Ground garbage means the residue from the preparation,  
31 cooking and dispensing of food that has been  
32 shredded to such degree that all particles will be no  
33 greater than one half inch in any dimension and  
34 will be carried freely in suspension under normal  
35 flow conditions in public sewers.  
36 Improperly constructed well means a well or pump installation  
37 that does not comply with the provisions of  
38 Wis. Admin. Code NR Chapter 812 in effect at the  
39 time of construction of the well, at the installation  
40 of a contamination source, at the installation of the  
41 pump or completion of work on the well or pump  
42 installation.  
43 Incompatible pollutants mean wastewater or septage with  
44 pollutants that will adversely effect or disrupt the  
45 wastewater processes or effluent quality or sludge  
46 quality if discharged to a wastewater treatment facility.  
47  
48 High Strength waste means the wastewater from commercial  
49 or industrial processes, trade or business, as  
50 distinct from sanitary sewage, including cooling  
51 water and the discharge from sewage pretreatment  
52 facilities.  
53 Laterals (service lateral) means:  
54 (1) A ditch, pipe or other conduit entering or  
55 leaving a water main from the side.  
56 (2) A sewer that discharges into the main sewer  
57 or other sewer branch.  
58 Licensed disposer means a person holding a license under  
59 Wis. Stats. § 281.49(1)(a).  
60 Meter means an instrument installed to measure the volume  
61 and/or rate of flow of water delivered through  
62 it.

63 Municipal wastewater means the spent water of a community.  
64 The wastewater may be a combination of  
65 the liquid and water carried wastes from residences,  
66 commercial buildings, industrial plants and institutions,  
67 with any groundwater, surface water and stormwater that  
68 may be present.  
69 Natural outlet means any outlet, including storm sewers,  
70 into a watercourse, pond, ditch, lake or other body  
71 of surface water or groundwater.  
72 Normal domestic strength wastewater means wastewater  
73 with concentrations less than 300 mg/l BOD, 250  
74 mg/l suspended solids and 12 mg/l phosphorus.  
75 Normal user means a user whose contributions to the  
76 wastewater treatment facility consist only of normal  
77 domestic strength waste originating from a house,  
78 apartment, condominium or other living quarters occupied  
79 by a person or persons making up a distinct household,  
80 business or commercial enterprise.  
81  
82 Operation and maintenance costs means all costs associated  
83 with the operation and maintenance of the wastewater  
84 collection and treatment facilities. These costs, including  
85 costs associated with extraneous (clear water) flows,  
86 shall be divided proportionately among the various sewer  
87 users according to their equivalent user factors.  
88  
89 Parts per million means a weight to weight ratio; the parts  
90 per million value multiplied by the factor 8.34 shall be  
91 equivalent to pounds per million gallons of water.  
92  
93 Person means any person, including any individual, firm,  
94 company, municipal or private corporation, association,  
95 society, institution, enterprise, government agency or other  
96 entity.  
97 pH means the logarithm of the reciprocal of the hydrogen  
98 ion concentration. The concentration is the weight of  
99 hydrogen ions, in grams per liter of solution. Neutral  
100 water, for example, has a pH value of seven and a  
101 hydrogen ion concentration of 10<sup>-7</sup>.  
102 Potable water means water that does not contain objectionable  
103 pollution, contamination, minerals or infective agents  
104 and is considered satisfactory for domestic consumption.  
105  
106 Public sewer means any sewer provided by or subject to  
107 the jurisdiction of the village. It shall also include  
108 sewers within or outside the corporate boundaries that  
109 serve one or more persons and ultimately discharge into  
110 the village's sanitary sewer system, although those  
111 sewers may not have been constructed with village funds.  
112  
113 Pump installation means the pump and related equipment  
114 used for withdrawing water from a well including the  
115 discharge piping, the underground connections, pitless  
116 adapters, pressure tanks, pits, sampling faucets and  
117 well seals or caps.  
118 Replacement costs means a service charge levied on users  
119 of the wastewater collection and treatment facilities for  
120 payment of capital expenses and operation and maintenance  
121 costs, including replacement of such facilities.  
122

# Village of Sister Bay Utility Code

## Section 62.16 Definitions.

## Section 62.16 Definitions.

- 1 Sanitary District: means the portion of the Town of Liber-  
2 ty Grove covered by the Liberty Grove Sanitary  
3 District.
- 4 Sanitary sewage means a combination of liquid and water  
5 carried wastes discharged from toilets and/or sani-  
6 tary plumbing facilities, with such groundwater,  
7 surface water and stormwater as may be present.
- 8 Sanitary sewer means a sewer that carries liquid and water  
9 carried wastes from residences, commercial build-  
10 ings, industrial plants and institutions, with small  
11 quantities of groundwater, stormwater and uninten-  
12 tionally admitted surface water.
- 13 Septage means scum, liquid, sludge or other waste from a  
14 septic tank, soil absorption field, holding tank,  
15 vault toilet or privy. This does not include the  
16 waste from a grease trap.
- 17 Sewage means spent water of a community. The preferred  
18 term is "municipal wastewater."
- 19 Sewer service areas means the areas presently served and  
20 anticipated to be served by a sewage collection  
21 system. State regulations (Wis. Admin. Code NR §  
22 121.05) require that water quality management  
23 plans delineate sewer service areas for urban areas  
24 with a population of over 10,000. Approved facili-  
25 ty plans contain less detailed sewer service areas  
26 for communities under a population of 10,000.
- 27 Sewer service charge means a service charge levied on  
28 users of the wastewater collection and treatment  
29 facilities for payment of use related capital expense  
30 and operation and maintenance costs, including re-  
31 placement of such facilities.
- 32 Sewerage system means as defined in Wis. Stats. §  
33 281.01(14).
- 34 Shall means mandatory; may means permissible.
- 35 Slug load means any substance released at a discharge rate  
36 and/or concentration that causes interference to the  
37 wastewater treatment processes.
- 38 Standard methods means the examination and analytical  
39 procedures set forth in the most recent edition of  
40 "Standard Methods for the Examination of Water,  
41 Sewage and Industrial Wastes," published jointly  
42 by the American Public Health Association, the  
43 American Water Works Association and the Water  
44 Pollution Control Federation.
- 45 Storm drain (sometimes termed "storm sewer") means a  
46 drain or sewer for conveying water, groundwater,  
47 subsurface water or unpolluted water from any  
48 source.
- 49 Stormwater runoff means that portion of the rainfall that  
50 drains into sewers.
- 51 Suspended solids means solids that either float on the sur-  
52 face of, or are in suspension in, water, wastewater,  
53 septage or other liquids and that is removable by  
54 laboratory filtering as prescribed in "Standard  
55 Methods" and is called non-filterable residue.
- 56 Unpolluted water means water of a quality equal or better  
57 than the effluent criteria in effect or water that  
58 would not cause violation of receiving water quali-  
59 ty standards and would not be benefited by dis-  
60 charge to the sanitary sewers and wastewater  
61 treatment facilities provided.
- 62 Unsafe well means a well or pump installation that pro-  
63 duces water contaminated bacteriologically or wa-  
64 ter contaminated with substances in exceedance of  
65 the standards of Wis. Admin. Code NR Chapter  
66 109 or Chapter 140 or for which a health advisory  
67 has been issued by the state department of natural  
68 resources.
- 69 Unused well means a well or pump installation that is not  
70 in use or does not have a functional pumping sys-  
71 tem.
- 72 USEPA means the United States Environmental Protec-  
73 tion Agency.
- 74 User/customer means any person, owner or occupant,  
75 firm, partnership, corporation, municipality, coop-  
76 erative organization, government agency, political  
77 entity, etc., provided with water and/or sewer ser-  
78 vice by any water and/or sewer public utility.
- 79 Utility means a public or private concern engaged in the  
80 performance of some useful service, such as fur-  
81 nishing water, gas, electricity or sewer facilities.
- 82 Utility Committee: means the committee established by  
83 the Village including members from the Town of  
84 Liberty Grove and Utility District that provides  
85 oversight on the operation of the Village Utilities.
- 86 Utility District means: the portion of the Liberty Grove  
87 Sanitary District designated to provide sanitary  
88 sewer service and water service.
- 89 Wastewater facilities means the structures, equipment and  
90 processes required to collect, carry away, store and  
91 treat domestic and industrial wastes and septage  
92 and dispose of the effluent.
- 93 Wastewater treatment works means an arrangement of de-  
94 vices and structures for treating wastewater, sep-  
95 tage, industrial wastes and sludge. Sometimes used  
96 synonymously with waste treatment.
- 97 Water main means the water pipe, located beneath a street,  
98 right-of-way or easement from which domestic  
99 water supply is delivered to the service pipe (lat-  
100 eral) leading to specific premises.
- 101 Water supply means:  
102 (1) The sources of water for public or private  
103 uses. When United States Environmental Protec-  
104 tion Agency standards have been met, the supply is  
105 termed "an approved water supply";  
106 (2) The furnishing of good potable water under  
107 satisfactory pressure for domestic, commercial, in-  
108 dustrial and public service and an adequate quanti-  
109 ty of water under reasonable pressure for fire-  
110 fighting.
- 111 Water system means as provided in Wis. Stats. §  
112 811.02(25). Collectively, all of the property in-  
113 volved in the operation of the water utility, includ-  
114 ing land, water lines and appurtenances, pumping  
115 stations, treatment plants and general property.
- 116 Watercourse means a natural or artificial channel for the  
117 passage of water, either continuously or intermit-  
118 tently.
- 119 Well means an excavation or opening into the ground  
120 made by digging, boring, drilling, driving or other  
121 methods for obtaining groundwater for consump-  
122 tion or other use.



# Village of Sister Bay Utility Code

## *Section 62.17-19 Reserved.*

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- 1 Well abandonment means the filling and sealing of a well  
2 according to the provisions of Wis. Admin. Code  
3 Comm. NR Chapter. 812.  
4 Wisconsin Pollutant Discharge Elimination System  
5 (WPDES) Permit means a document issued by the  
6 state department of natural resources that estab-  
7 lishes effluent limitations and monitoring require-  
8 ments for the municipal wastewater treatment fa-  
9 cility.  
10 WDNR means the Wisconsin Department of Natural Re-  
11 sources.  
12 WPSC means the Wisconsin Public Service Commission  
13 that governs the rates, rules and regulations of the  
14 village water utility.

15 **Section 62.17-19 Reserved.**

16

17

# Village of Sister Bay Utility Code

*Section 62.20 Establishment of Impact Fees*

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# Village of Sister Bay Utility Code

## Section 62.20 Establishment of Impact Fees

## Section 62.27 Appeals

### Section 62.20 Establishment of Impact Fees

The following fees are impact fees established by the Village pursuant to Section 66.0617, Wis. Stats.:

(a) Impact fees pursuant to Section 62.28 of this Chapter.

### Section 62.21 Definitions

In this Section:

(a) All words shall have the same meanings as set forth in Section 66.0617, subsection (1), Wis. Stats.

(b) The word "development" shall have the same meaning as the phrase "land development."

### Section 62.22 Documentation

The following Village documents contain the needs assessments for the impact fees identified under Section 3 above, demonstrate Village compliance with the requirements of Section 66.0617(4), Wis. Stats., and shall be kept on file and available for public inspection in the Office of the Village Clerk:

Public Facilities Needs Assessment for Wastewater Impact dated March 2005

Public Facilities Needs Assessment for Water Tower and System Improvement Impact dated September 2005

Public Facilities Needs Assessment for the Downtown Sanitary Sewer and Watermain Improvements Dated June 2008 (Amended Ordinance No. 145-081208)

### Section 62.23 Revenues

Revenues collected by the Village as impact fees shall be placed by the Village Treasurer in segregated interest-bearing accounts, and shall be accounted for separately from other funds of the Village. Impact fee revenues and interest earned on impact fee revenues may be expended by the Village only for the capital costs for which the impact fees were imposed. Separate accounts shall be kept of fees collected from different impact fee zones, where the particular Impact Fee Ordinance provides for differential fees according to zones, and revenues collected in particular zones shall be spent in those zones as appropriate.

### Section 62.24 Time Limit for Expenditures

(a) The Village determines the following lengths of time appropriate for the planning, financing, acquisition and construction of the public facilities listed below:

1. Wastewater Treatment Plant Expansion

From January 2003 through December 31, 2005.

2. Water Tower and System Improvements

From January 1, 2006 through December 31, 2021

3. Downtown Sanitary Sewer and Watermain Improvements. (Amended Ordinance No. 145-081208)

From August 12, 2008 through July 31, 2015.

(b) Maximum Time to Use Impact Fees Collected From the Time of Fee Collection:

1. Type of Facility: Wastewater Treatment Plant expansion May 2025

2. Type of Facility: Water Tower and system improvements December 2026

3. Type of Facility: Downtown Sanitary Sewer and Watermain Improvements 2028 (Amended Ordinance No. 145-081208)

(c) Fees held by the Village under Section 62.23 above, and not used within the time period specified herein, shall be refunded to the persons who are the current owners of record, at the expiration of such time period, of the property with respect to which the impact fees were imposed.

### Section 62.25 Payment of Impact Fees

All required impact fees, unless expressly excepted in a section of this Chapter, shall be paid before a building permit may be issued for the construction for which the impact fee is to be imposed. With respect to any development affected by any impact fee imposed under this Chapter which is under construction at the time the ordinance imposing such impact fee becomes effective or which has received a building permit at such time, all required impact fees shall be paid before a certificate of occupancy may be issued for such development. Impact fee payments shall be assumed to be the responsibility of the owner of record at the time the building permit is requested.

### Section 62.26 Installment Payments

The Village Board, by resolution, may authorize the payment of impact fees, otherwise payable in full, in installment payments. If installment payments are authorized, interest shall be paid on the installment payments at the same rate then charged by the Village on installments of special assessments.

### Section 62.27 Appeals

A developer may appeal to contest the amount, collection or use of the impact fee in the manner provided herein:

(a) It shall be a condition to the commencement of such an appeal that the impact fee from which the developer appeals shall be paid as and when the fee or any permitted installment thereof becomes due and payable, and upon default in making any such payment, such appeal may be dismissed.

(b) The only questions appealable under this section are the following, as authorized by Section 66.0617(10), Wis. Stats.:

# Village of Sister Bay Utility Code

## Section 62.28 Impact Fee Amounts

## Section 62.28 Impact Fee Amounts

- 1 (1) The amount of fee charged and paid by the de-  
2 veloper;
- 3 (2) The method of collection of the impact fee;
- 4 (3) The use to which the particular fee paid by the  
5 developer is made by the Village.
- 6 (c) Appeals must be brought within 30 days of the ear-  
7 lier of:
- 8 (1) The date the impact fee is payable hereunder;
- 9 (2) In a situation where installment payments are  
10 allowed, the due date of the first required install-  
11 ment.
- 12 (d) The appellant shall pay a filing fee of \$300 at the  
13 time of filing of the appeal. The notice of appeal  
14 shall be filed with the Village Clerk.
- 15 (e) Following the filing of the notice of appeal, the  
16 Village Clerk shall compile a record of the ordi-  
17 nance imposing the impact fee that is the subject of  
18 the appeal and a record of the management and ex-  
19 penditure of the proceeds of the impact fee, and  
20 shall transmit these documents to the Village  
21 Board. In consultation with the Village depart-  
22 ments, the Village Clerk shall also compile a report  
23 on each appeal in which the appellant is seeking a  
24 reduction or total refund in the impact fee paid.  
25 This report shall specify the fiscal impact on the  
26 Village of Sister Bay if the appeal overturns the  
27 impact fee. If the fiscal impact re-port indicates  
28 that the appeal, if successful, will cause a revenue  
29 shortfall that otherwise was not budgeted with re-  
30 spect to the public facility, and if this revenue  
31 shortfall cannot be reconciled by reduction in im-  
32 pacts caused by development on the appellant's  
33 property, the report shall estimate whether it will  
34 be necessary for the Village to adjust impact fees,  
35 or amend existing ordinances, to recover the pro-  
36 posed revenue shortfall.
- 37 (f) The Village Board shall hold a public hearing on  
38 the appeal, preceded by a Class 1 notice, providing  
39 fair opportunity for the appellant to be heard. The  
40 burden shall be on the appellant to establish ille-  
41 gality or impropriety of the fee from which the ap-  
42 peal has been taken. Following the close of the  
43 public hearing, the Village Board shall deliberate  
44 upon the matter, and shall conduct such studies and  
45 inquiries as it deems appropriate to decide the ap-  
46 peal.
- 47 (g) If the Village Board determines that the appeal has  
48 merit, it shall determine appropriate remedies.  
49 These may include reallocation of the proceeds of  
50 the challenged impact fee to accomplish the pur-  
51 poses for which the fee was collected, refunding  
52 the impact fee in full or in part, along with interest  
53 collected by the Village thereon, or granting the  
54 appellant the opportunity to make the impact fee  
55 payment in installments, or such other remedies as  
56 it deems appropriate in a particular case.

## 57 Section 62.28 Impact Fee Amounts

- 58 (a) The Wastewater Treatment Plant expansion impact  
59 fee for every residential meter equivalent is \$653.00.
- 60 (b) The Water Tower and System improvements im-  
61 pact fee for every residential meter equivalent is  
62 \$1,478.00.
- 63 (c) The Downtown Sanitary Sewer and Watermain  
64 Improvements impact fee for every residential meter  
65 equivalent is \$861.00 effective on September 1, 2010.  
66 (*Amended Ordinance No. 179-121410*)